

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

NORTHEAST REGIONAL COUNCIL OF
CARPENTERS, et al.,

Plaintiffs,

v.

RDM CONSTRUCTION,
SANDY HOOK INTERIORS,

Defendants.

Civil Action No. 18-8395 (MAS) (DEA)

MEMORANDUM ORDER

This matter comes before the Court upon the Petition to Confirm Arbitration Award submitted by Northeast Regional Council of Carpenters, Northeast Carpenters Funds and the Trustees thereof (“Petitioners”). (Pet., ECF No. 1.) RDM Construction (“RDM”) and Sandy Hook Interiors (“Sandy Hook”) (collectively, “Respondents”) did not respond. The Court has carefully reviewed the Petition and Motion and notes that Petitioners seek to bind RDM to obligations under a contract it had not yet signed when the obligation arose. Specifically, RDM was not a signatory to the Collective Bargaining Agreement until 2011 but the contribution at issue arose during 2008-2009. (Short Form Agreement 55, ECF No. 1, Ex. B. at 54¹.) The record, however, does not explain why RDM is responsible for contribution to the Funds during that period aside from the arbitrator’s conclusion that RDM and Sandy Hook are alter-egos. (Arb. Award & Order, ECF No. 1, Ex. D at 71-75.) In addition, the Arbitration Award & Order reflects that “due notice of the hearing was issued to the Employers” but did not contain service details. (*Id.* at 71.) Finally, Petitioners failed to submit a brief pursuant to Local Civil Rule 7.1. Here, the submissions in support of the Petition

¹ As certain exhibits do not contain page numbers, the Court cites to the page numbers generated by the ECF system.

and Motion do not adequately demonstrate that Petitioners are entitled to relief. Because the Court lacks adequate documentation and a brief in support of this Motion, the Court cannot find good cause to grant the requested relief. Accordingly,

IT IS on this 26th day of November 2018, **ORDERED** that:

1. Petitioners' Motion to Confirm Arbitration Award (ECF No. 1) is denied without prejudice.
2. By **December 26, 2018**, Petitioners may file a renewed motion with appropriate supporting documentation and a supporting brief.²

s/ Michael A. Shipp
MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE

² Petitioners' renewed motion papers must include proof of service for the January 25, 2018 arbitration hearing and proof of service for the Petition and renewed motion.